

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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NAMEL NORRIS, : No. 21-cv-07110 (OTW)
Plaintiff(s), :
: :
-against- :
: :
SAKAMAI LLC, a New York limited :
liability company, d/b/a SAKAMAI, :
and PAUL UJLAKY, an individual, :
and MARY MOZEJKO, an individual, :
Defendant(s). :
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REPORT OF RULE 26(f) MEETING AND [PROPOSED] CASE MANAGEMENT PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties discussed via email on 2/14/22 & 2/15/22 and exchanged communications thereafter, and submit the following report of their meeting for the court's consideration:

1. Summary of Claims, Defenses, and Relevant Issues

Plaintiff:

Plaintiff filed this action for declaratory and injunctive relief pursuant to Article III of the Americans with Disabilities Act ("ADA"), alleging violation of the ADA and parallel New York State and City laws on the Defendants' property.

Defendant:

Defendant have denied liability, as stated in their answer.

2. Basis of Subject Matter Jurisdiction: _____

Plaintiff invokes the jurisdiction of the Court pursuant to 28 U.S.C. §1331. Plaintiff also invokes supplemental jurisdiction over Plaintiff's claims under the New York Executive Law and the New York City Administrative Code pursuant to 28 U.S.C. § 1367.

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3. Subjects on Which Discovery May Be Needed

Plaintiff:

Handicap accessibility, ADA violations and non-compliance

Defendant:

Defendants intend to take discovery concerning Plaintiff's factual allegations.

4. Informal Disclosures

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was or will be disclosed by Plaintiff(s) on 3/2/22. In addition, on N/A, Plaintiff(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

The information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure was disclosed by Defendant(s) on 3/2/22. In addition, on N/A, Defendant(s) produced/will produce an initial set of relevant documents identified in its Initial Disclosures and will continue to supplement its production.

5. Formal Discovery

The parties jointly propose to the Court the following discovery plan:

- a. All fact discovery must be completed by 6/16/22.
- b. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court,

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provided that the parties meet the deadline for completing fact discovery set forth in 3(a) above.

- i. Depositions: Depositions shall be completed by 6/16/22 and limited to no more than 10 depositions per party. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- ii. Interrogatories: Initial sets of interrogatories shall be served on or before 4/4/22 and responses shall be due on 5/4/22. All subsequent interrogatories must be served no later than 30 days prior to the discovery deadline.
- iii. Requests for Admission: Requests for admission must be served on or before 5/2/22 and responses shall be due on 6/1/22.
- iv. Requests for Production: Initial requests for production were/will be exchanged on 4/4/22 and responses shall be due on 5/4/22. All subsequent requests for production must be served no later than 30 days prior to the discovery deadline.
- v. Supplementation: Supplementation under Rule 26(e) must be made within a reasonable period of time after discovery of such information.

6. Anticipated Discovery Disputes

Are there any anticipated discovery disputes? Does either party seek limitations on discovery? Describe.

Not at this time.

7. Amendments to Pleadings

- a. Are there any amendments to pleadings anticipated? No.
- b. Last date to amend the Complaint: 3/18/22

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8. Expert Witness Disclosures

At this time, the parties **do/do not** (circle one) anticipate utilizing experts. Expert discovery shall be completed by 8/1/22.

9. Electronic Discovery and Preservation of Documents and Information

- a. Have the parties discussed electronic discovery? No.
- b. Is there an electronic discovery protocol in place? If not, when the parties expect to have one in place? N/A
- c. Are there issues the parties would like to address concerning preservation of evidence and/or electronic discovery at the Initial Case Management Conference?

Not at this time.

10. Anticipated Motions

Defendants anticipate filing a motion for summary judgment.

11. Early Settlement or Resolution

The parties have/**have not** (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than 3/30/2022. The following information is needed before settlement can be discussed:

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12. Trial

- a. The parties anticipate that this case will be ready for trial by 9/29/22.
- b. The parties anticipate that the trial of this case will require 2-3 days.
- c. The parties **do/do not** (circle one) consent to a trial before a Magistrate Judge at this time.
- d. The parties request a jury/**bench** (circle one) trial.

13. Other Matters

Respectfully submitted this 16th day of February, 2022.

ATTORNEYS FOR PLAINTIFF(S):

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SO ORDERED

Date: _____
New York, New York

Ona T. Wang
United States Magistrate Judge